

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**OLLEN G. COLBERT, JR.
3475 Vine St.
Cincinnati, Ohio 45220**

Plaintiff,

v.

**CINCINNATI GAS AND ELECTRIC CO.
139 E. Fourth St.
Cincinnati, Ohio 45202**

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1347
4100 Colerain Ave.
Cincinnati, Ohio 45223-2590**

Defendants.

*** Case No. C-1-00-909**

*** Judge Susan Dlott**

*** Magistrate Judge Timothy Hogan**

*** DEFENDANT'S INTERNATIONAL**

*** BROTHERHOOD OF ELECTRICAL**

*** WORKERS, LOCAL 1347 AND**

*** CINCINNATI GAS AND ELECTRIC**

*** CO'S MOTION FOR EXTENSION**

*** OF TIME TO FILE DISPOSITIVE**

*** MOTIONS**

*** and**

*** INTERNATIONAL BROTHERHOOD OF**

*** ELECTRICAL WORKERS, LOCAL 1347**

*** 4100 Colerain Ave.**

*** Cincinnati, Ohio 45223-2590**

*** Defendants.**

Comes now the Defendants, International Brotherhood of Electrical Workers, Local 1347 and Cincinnati Gas and Electric Co., by and through counsel, and respectfully move this Court to grant an extension of time to file dispositive motions in this matter due to the Plaintiff's Motion for Extension of Time to Complete Discovery. The Court's Scheduling Order provided for the completion of discovery by July 1, 2004 but Plaintiff requested an extension to September 30, 2004. The Court's Scheduling Order also provided a Dispositive Motion Deadline of August 1, 2004.

Defendants respectfully request that the Dispositive Motion Deadline be extended to October 30, 2004 in line with the proposed extended Discovery cut-off of September 30, 2004 requested by Plaintiff.

Defense Counsel has attempted without success, to contact Plaintiff's counsel by telephone concerning this request.

This motion is not made to needlessly delay this matter but is necessitated by the extension of the discovery cut-off date.

Respectfully submitted,

RAKAY, SPICER & LEDBETTER

/s/ Jerry A. Spicer

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time to File Dispositive Motions was electronically filed this 28th day of July, 2004, and will therefore be electronically mailed to:

Rose Ann Fleming fleming@xavier.edu, Attorney for Plaintiff
Eric S. French efrench@cinergy.com, Attorney for Defendant,
The Cincinnati Gas & Electric Company
Julie L. Ezell Julie.ezell@cinergy.com, Attorney for Defendant,
The Cincinnati Gas & Electric Company

/s/ Jerry A. Spicer

Jerry A. Spicer